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SPERRY ASSOCIATES FEDERAL  
CREDIT UNION,

Plaintiff,

-against-

CUMIS INSURANCE SOCIETY, INC.,

Defendants.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Hon. Dickinson R. Debevoise

10-CV-00029-DRD-MAS

**PLAINTIFF'S REQUEST FOR THE  
COURT TO POSE PARTICULAR  
VOIR DIRE QUESTIONS**

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Pursuant to the court's Order, and pursuant to the provisions of Rule 47(a) of the Federal Rules of Civil Procedure, Plaintiff, Sperry Associates Federal Credit Union requests that the Court pose the following questions to prospective jurors during voir dire or, in the alternative, that the court permit counsel for the parties to examine prospective jurors on the following questions:

**PROPOSED VOIR DIRE QUESTIONS**

1. In order to be qualified under Federal law to serve on a jury, a person must have certain qualifying characteristics. A juror must be:

- Age 18 or older
- A citizen of the United States
- Able to read and understand the English language.
- A resident of the judicial district

Also, a juror must not:

- Have been convicted of any indictable offense in any state or federal court
- And must not have any physical or mental disability which would prevent the person from properly serving as a juror.

Please consider that the Judiciary will provide reasonable accommodations consistent with the Americans with Disabilities Act.

Is there any one of you who does not meet these requirements?

2.
  - a. This trial is expected to last for three days. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?
  - b. Do you have any medical, personal or financial problem that would prevent you from serving on this jury?
  - c. Do any of you have a special need or require a reasonable accommodation to help you in listening, paying attention, reading printed materials, deliberating, or otherwise participating as a fair juror? The court will provide reasonable accommodations to your special needs but I will only be aware of any such needs if you let me know about them. My only purpose in asking you these circumstances relates to your ability to serve as a
3. I have already briefly described the case. Do you know anything about this case from any source other than what I've just told you.
4. Do you know, or have you ever been represented by, Scott A. Rosenberg, P.C., who represents the plaintiff in this action?
5. Do you know, or have you ever been represented by, Sedgwick, LLP who represent the defendant in this action?
6. Are you a member of Sperry Associates Federal Credit Union?
7. Have you ever been employed by CUNA Mutual or CUMIS Insurance Society, Inc?
8. Do you know any of the following individuals who may be called as witnesses?

Michael McGrath Jr.

Leroy Hayden

Swapan Roy

Jill Peterson

Phil Scilalabba

Ron Carti

John Kuskin

Mary Pinto

Robert O'Hara

Indira Kahn

Marti Clark

David Lynett

Amy Owens

Dean Felton  
Robert Baier  
John Tomaine  
Kenneth Pagliughi  
Michael Davisson

If so, how do you know of them?

9. Would your knowledge of the witness in any way effect your ability to sit as a juror?
10. Have you, or any of your relatives, or any of your close friends ever worked for an insurance company? If so, in what capacity and/or what company? Are you or are they still so employed? If employed would the circumstances your employment affect your ability to serve impartially?
11. Are you married? If so, please state the name and occupation of your spouse.
12. Do you have any children? If so, what are their ages and occupations.
13. What is the extent of your education?
14. Are you employed? If so, what is your occupation and how long have you been employed in your current occupation?
15. Have you ever been employed in any other occupation? If so, in what other occupations and for how long?
16. Have you ever served as a juror before? If so, what was the nature of the case?
17. Have you, or any family member, ever commenced a lawsuit? If so, what was the nature of the suit. Who was sued? Were you satisfied with the result?
18. Have you, or any family member, ever been a defendant in a lawsuit? If so, what was the nature of the suit? Were you satisfied with the result?
19. Have you, or an immediate family member, ever consulted with an attorney about, or made a claim against an insurance company for a disclaimer of coverage? If so, please give the

20. There may be expert witnesses who will be called to testify in both the liability and damages portions of this trial. Will you give the opinions of the experts the same weight as any other witnesses?
21. Will you be able to apply your common sense and experience to evaluate the testimony of all of the witnesses, expert or otherwise?
22. Will you be able to hold off on reaching any conclusion as to this case until all the evidence has been presented?
23. If you believe that a damages award is warranted, will you be able to award fair and reasonable damages based on the facts and the evidence without speculation and using your common sense?
24. Is there anyone here now who has already formed an opinion or has a preconceived notion about the result that should be reached in this case?
25. At the end of this case, after you have heard the testimony of all of the witnesses, and have seen all the exhibits, the court is going to give you certain instructions on the law you must follow. Is there anybody here who thinks that they will not be able to listen to the instructions given by the court and apply them to the evidence presented during at the trial of the case, even if you do not agree with the law the Court gives you?
26. At this time, do any of you know of any reason why you think you cannot sit in this case and render a just, fair, honest and impartial verdict?
27. Expert witnesses are paid for their time to prepare testimony and for the time they spend in court. Both sides may have expert witnesses testifying in this trial.
  - What do you think about the fact they get paid?
  - How does it affect your perception of their credibility?

- Is their testimony more important than any other witness?
- Why or why not?
- If one side has expert witnesses testifying in this trial and the other side does not, does the side that is using expert witnesses have an advantage?
- Why or why not?

28. Some of the witnesses in this trial are from around this area and some of them are from somewhere else.

- Which of them do you think will be better witnesses?
- Why do you think so?
- Anyone think they would be more trusting of a witness from this area?
- From somewhere else?

29. What do you think of the fact that expert witnesses have testified in other trials?

- Would you value the testimony more, less or no differently?

30. Does it bother you that a witness is being paid for his or her time when they come into the courtroom?

- What concerns you about that?

31. What makes you comfortable relying on someone else's judgment or prediction?

- Uncomfortable?
- How do you know it can be trusted?

32. Do you have any knowledge or experience in any of the fields that experts will be testifying about? [name subjects]

- How will you evaluate the testimony of an expert compared to what you may already know about the subject?

33. Surveys have shown that about one-third of the people say both sides have to prove their case.

-- Do you agree with that?

-- Why or why not?

34. What are your opinions about how a party should be compensated when its insurer acts in bad faith?

35. Do you think there should be a limit to the amount of money a jury can award?

-- Have you ever heard the phrase "damage cap"?

-- Why do you think there should be a limit?

-- What do you think a "damage cap" should be?

-- Is this a good idea, bad idea, necessary to control the jury system?

36. Some people have a negative opinion of our justice system. They tend to think lawyers are greedy and juries award too much money.

-- Tend to agree or disagree?

-- What have you ever heard people say about lawyers, lawsuits or juries?

-- What would you recommend to improve the system?

37. What do you know about jury verdict amounts?

-- What have you read or heard?

-- Generally too high or too low or about right?

38. Have you or your employer ever been sued for making a decision related to your job?

-- What happened?

-- Who or what was held responsible?

-- Did you agree?

- What is your opinion of those types of lawsuits?
- Is an employer responsible for the actions of an employee?
- Why or why not?

**Biographical Question**

1. What the type of work you do?
2. Have you ever worked in the insurance industry?
3. Were you ever terminated from a job?
3. Have ever done any type of work which is substantially different from what you do now?
4. What is your educational history?
5. Which television news shows do you watch?
6. What papers do you read?
7. What radio shows do you listen to?

**Omnibus Qualification Questions (Two)**

1. Is there anything, whether or not covered in the previous questions, which would affect your ability to be a fair and impartial juror or in any way be a problem for you in serving on this jury?
2. Is there anything else that you feel is important for the parties in this case to know about you?

Respectfully submitted,

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Local Counsel for Plaintiff  
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